

2 Ct  
proper.

**ORIGINAL**

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**FILED**  
HARRISBURG, PA

NOV 13 2002

MARY E. D'ANDREA, CLERK  
Per Deputy Clerk

United States Fidelity and  
Guaranty Company

v.

Hon. Christopher Conner

Bruce J. Brown and Brown, Schultz  
Sheridan & Fritz

No: 01-CIV-813

**JOINT MOTION FOR LEAVE TO FILE BRIEFS IN  
EXCESS OF FIFTEEN PAGES**

Pursuant to Local Rule 7.8, the parties seek leave to file briefs in excess of the fifteen page limit and set forth the following in support thereof:

1. This is an action in which Plaintiff, United States Fidelity & Guaranty Company ("USF&G"), issued surety credit to CCI Construction Company ("CCI") and now seeks to recover damages from the defendant accountants for alleged negligent misrepresentations contained in three years of audited financial statements prepared by defendants for CCI.

2. Plaintiff claims that it issued 19 sets of payment and performance bonds to CCI Construction Company in reliance on financial statements for the years ended December 31, 1996, 1997 and 1998 audited by defendants and alleges it has sustained over \$31,000,000 in losses as a result.

3. Defendants filed a motion for summary judgment raising a number of complex

legal issues.

4. Magistrate Smyser's report and recommendation recommended that judgment be granted in defendants favor with regard to the 1996 audit report and denied with respect to the 1997 and 1998 audit reports.

5. In order to set forth full and complete arguments in support of defendants' objections to the report and recommendation, a brief of more than fifteen pages is required.

6. In order to respond to the arguments raised by defendants concerning the magistrate's report and recommendation plaintiff will require in excess of fifteen pages.

WHEREFORE, the parties request that they be permitted to exceed the fifteen page limit imposed by the local rules in connection with defendants' brief in support of their Objections to the Magistrate's Report and Recommendation and plaintiff's brief in response thereto.

SWARTZ, CAMPBELL & DETWEILER

BY: Kathleen M. Carson  
JEFFREY B. McCARRON  
KATHLEEN CARSON  
1601 Market Street  
34<sup>th</sup> Floor  
Philadelphia, PA 19103  
(215) 564-5190

ATTORNEYS FOR DEFENDANTS  
Bruce J. Brown and Brown, Schultz,  
Sheridan & Fritz

BERNKOPF, GOODMAN & BASEMAN

BY: Bruce Levin /KMC  
BRUCE LEVIN  
125 Summer Street  
Boston, MA 02110  
(617) 790-3000

ATTORNEYS FOR PLAINTIFF

Dated: November 12, 2002

CERTIFICATE OF SERVICE

I, Kathleen M. Carson, Esquire, counsel for defendants, Bruce J. Brown and Brown, Schultz Sheridan & Fritz, hereby certify that a copy of the joint motion for leave to file briefs in excess of fifteen pages was served upon all counsel listed below by facsimile and first class U.S. mail, postage prepaid on November 11, 2002.

Peter Speaker, Esquire  
Thomas, Thomas & Hafer  
305 North Front Street  
Harrisburg, PA 17101

Peter B. McGlynn, Esquire  
Bruce D. Levin, Esquire  
Bernkopf, Goodman & Baseman LLP  
125 Summer Street, Suite 1300  
Boston, MA 02110

  
Kathleen M. Carson

Date: November 12, 2002